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August 20, 2020

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Hon. Judge Pamela K. Chen  
United States District Court, Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Walter Perez v. Paul Smith, et al.  
Civil Action No: 19-CV-4233

Dear Honorable Judge Pamela K. Chen:

On August 12, 2020, this office appeared as Co-Trial counsel for Defendants, Paul Smith and Barclay Water Management, Inc., in the above-entitled action.

As your Honor is aware, the parties filed a Joint Pre-trial Order (“the Order”) with the Court on August 5, 2020, prior to our appearance in this matter. We respectfully request leave to amend the Order for the following purposes: listing Alan Kaminsky, Esq., of LEWIS BRISBOIS BISGAARD & SMITH, LLP, as Co-Trial counsel; amending the witness list to reflect additional potential trial witnesses; and amending the list of potential Motions in Limine. In addition, we wish to reserve our right to object to certain items in the exhibit list. As we will be appearing on behalf of our clients as trial counsel, if we are not allowed an opportunity to amend the Order, we would be placing our clients at a disadvantage at trial.

In accordance with Your Honor’s Part rules, which allow for amendments to Pre-trial Orders by order or by consent, we requested consent to the amendment from Faizan Ghaznavi, Esq., lead counsel for Plaintiff, but he declined to agree. We are amenable to a telephonic conference at the Court’s convenience in the near term future to further discuss the requested amendments.

We thank the Court for its courtesy and attention to this matter.

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Very truly yours,

/s/

Alan Kaminsky of  
and Michael B. Rothenberg for  
LEWIS BRISBOIS BISGAARD &  
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